IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1704 of 2005

Between:

K. Vara Lakshmi W/o Lakshminarayana Reddy
Sarpanch R/o Ramachandrapuram Village, Dornipadu Mandal, Kurnool

District

..... PETITIONER

AND

1 The Mandal Revenue Officer, cum Ex- Officio Chairman under A.P. Water,

Land and Tress Act Dornipadu Village & Mandal, Kurnool District
2 The Deputy Executive Engineer, Rural Water Supply, Panchayathraj

Department, Kovelakuntla Village & mandal, Kurnool District
3 The District Collector, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more in the nature of Writ of Mandamus declaring action of the 2nd respondent in digging the bore well illegally without any permission under the provisions of A.P. Water, Land and Trees Act and the action of the 1st respondent in not initiating proceedings under A.P. Water, Land and Trees Act for closure of the illegal bore well as arbitrary illegal and consequently direct the 1st respondent to initiate proceedings under A.P. Water Land and Trees Act for closure of the illegal bore well in the interest of justice.

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

O R D E R:

This writ petition is filed aggrieved by the alleged inaction on the part of the first respondent in considering the representation dated 27-01-2005 made by the petitioner complaining about the bore-well dug by the residents of the adjacent village is in violation of the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short, 'the Act').

Though the learned counsel for the petitioner raised various contentions stating that the entire action of the residents of the adjacent village in digging the said borewell at a distance of 180 mts. from the existing borewell which is the only source of drinking water in Ramachandrapuram village, is arbitrary and illegal. I am not inclined to express any opinion with regard to the said contentions since admittedly the dispute is pending consideration before the 1st respondent who is the competent authority under the provisions of the Act. Instead I deem it appropriate to direct the first respondent to

consider the representation made by the petitioner dated 27-01-2005 and to pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of directing the first respondent to consider the representation dated 27-01-2005 made by the petitioner and to pass appropriate orders in accordance with law, after affording due opportunity to all the parties concerned to explain the allegations, as expeditiously as possible, preferably within a

period of one week from the date of receipt of a copy of this order. No costs.

(G. ROHINI, J)

Date:04 -02-2005

Note:

Issue C.C. by Monday.

(B/o)

ghn

To

1 The Mandal Revenue Officer, cum Ex- Officio Chairman under A.P. Water, Land and Tress Act Dornipadu Village & Mandal, Kurnool District

2 The Deputy Executive Engineer, Rural Water Supply, Panchayathraj Department, Kovelakuntla Village & mandal, Kurnool District

3 The District Collector, Kurnool District

4 Two C.Cs to the G.P. for Panchayath Raj and Rural Development, High Court of A.P., Hyderabad (OUT)

5 Two C.D copies